

FEB 28 2007

Serial No.: 10/086,288
Attorney Docket No.: 10014732-1REMARKS

In a previous amendment, the Applicants canceled claims 18-20. In the present amendment, the Applicants have amended independent claims 1 and 11. Claims 1-17 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite.

In response, the Applicants have amended claims 1 and 11 as suggested by the Examiner to overcome the rejection.

The Office Action rejected claims 1-5, 7-8, 10-15, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Pierce et al. (U.S. Patent No. 6,865,558). Also, the Office Action rejected claims 6, 9 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Pierce et al. (U.S. Patent No. 6,865,558) in view of Pierce (U.S. Patent No. 6,427,139).

The Applicants respectfully traverse these rejections based on the amendments to the claims and the arguments below.

The Applicants' independent claim 1 now includes that the postage indicia with the remaining value is a negotiable instrument configured to allow multiple people to electronically negotiate and trade the postage indicia between each other before the postage indicia is redeemed electronically, by crediting a valid bank account with the remaining value of the postage indicia. Support for these newly claimed elements can be found throughout the specification. For example, FIGS. 1-3 and paragraphs [0024], [0025] and [0026] of the Application specification (U.S. Patent Publication No. 2003/0167243) provide support for these features.

In addition, claim 11 now includes that the postage indicia with the remaining value is a negotiable instrument configured to allow multiple people to negotiate and trade the postage indicia between each other before the postage indicia is redeemed with an automated teller machine (ATM) and wherein the automated teller machine (ATM) processes the postage indicia to determine the remaining value and disburses cash in the amount equal to the remaining value. Support for these newly claimed elements can be found throughout the specification. For example, FIGS. 1-3 and paragraph [0028] of the

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Application specification (U.S. Patent Publication No. 2003/0167243) provide support for these features.

Although the Examiner admitted that Pierce et al. is missing elements of the Applicants' claimed invention, the Examiner stated that "...postage indicia being negotiable instrument are old and well known, as evident by stamp collectors who sell and trade collected stamps. However, the newly added elements are not disclosed by the combination of Pierce et al. and collection and trading methods of postage stamp collectors.

Specifically, Pierce et al. in combination with stamp collector methods and/or Pierce (with regard to claims 6 and 9) do not disclose the Applicants' claimed redeeming the postage indicia electronically, by crediting a valid bank account with the remaining value of the postage indicia of claim 1. In addition, with regard to claim 11, Pierce et al. in combination with stamp collector methods and/or Pierce (with regard to claim 16) do not disclose the Applicants' claimed redeeming the postage indicia with an automated teller machine (ATM) and wherein the automated teller machine (ATM) processes the postage indicia to determine the remaining value and disburses cash in the amount equal to the remaining value.

Instead, Pierce et al. in combination with alleged well known stamp collector methods and/or Pierce simply disclose using a separate third party payment indication to notify a payee that a payment has been arranged (see col. 5, lines 57 – 64 of Pierce et al.), in person trading, buying and selling stamps between collectors (the Examiner's allegations regarding well known stamp collector methods) and using printed bar-coded mail pieces (Pierce).

Clearly, the combined references are missing at least the Applicants' redeeming the postage indicia electronically by crediting a valid bank account with the remaining value of the postage indicia of claim 1 and redeeming the postage indicia with an automated teller machine (ATM), wherein the automated teller machine (ATM) processes the postage indicia to determine the remaining value and disburses cash in the amount equal to the remaining value of claim 11. Thus, the Applicants respectfully request withdrawal of this rejection because the combined cited reference do not contain all of the features of the Applicants' claimed invention, and therefore cannot render the claims obvious.

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With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

In view of the arguments and amendments set forth above, the Applicants respectfully submit that the rejected claims are in immediate condition for allowance. The Examiner is therefore respectfully requested to withdraw the outstanding claim rejections and to pass this application to issue. Additionally, in an effort to expedite and further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575. Please note that all correspondence should continue to be directed to:

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